

109.0025

Web Based Training e-Learning Center

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Womble (et al.)

MAY 10 2005

Serial No.: 09/683,375

Filed: December 19, 2001

For: METHODS AND APPARATUS FOR PREPARATION AND
ADMINISTRATION OF TRAINING COURSES

Group: 2179

Examiner: Hutton, Jr., William D.

Durham, North Carolina
May 10, 2005Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**CERTIFICATION OF FACSIMILE TRANSMISSION**

Sirs:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. 703-872-9306 on the date set forth below.

1. Response to Restriction Requirement (3 pages).

Vickie Diane Prior

Printed name of person signing

Vickie Diane Prior
Signature

Date: May 10, 2005

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Response to Restriction Requirement

Sir:

The present response replies to the Restriction Requirement mailed April 11, 2005. That requirement required restriction to one of three inventions categorized by the Examiner in groups as follows:

Group I. Claims 1-14, drawn to a training management system, classified in Class 715, Subclass 530.

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Group II. Claims 15-27, drawn to a method for administering a training program, classified in Class 707, Subclass 9.

The restriction requirement is traversed as improper in light of the close relationship between the claims categorized in the two groups. As stated in MPEP § 803, "Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct.** If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (emphasis added) This section continues "There must be a serious burden on the examiner if restriction is not required." (emphasis added)

The analysis of the Restriction Requirement does not demonstrate that a serious burden is presented as the two subclasses appear to be closely related and would appear to be appropriate for search during examination of the claims from any of the groups. The very titles used in the Restriction Requirement serve to highlight this point.

In the event the restriction requirement is maintained, applicants provisionally elect the Group I claims for prosecution. As noted above, one important factor in a restriction requirement is an analysis of the burden on the Office to perform the necessary searching. Here, the burden appears the same.

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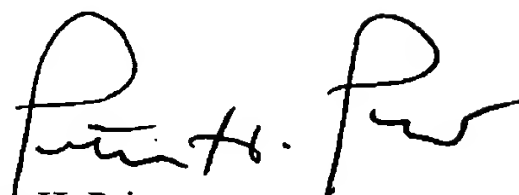
Response dated May 9, 2005

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Conclusion

The Restriction Requirement should be reconsidered and withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter H. Priest". The signature is fluid and cursive, with a large initial "P" and "H".

Peter H. Priest

Reg. No. 30,210

Priest & Goldstein

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